

Hecker Fink LLP

350 FIFTH AVENUE | 63RD FLOOR
NEW YORK, NEW YORK 10118

1050 K STREET NW | SUITE 1040
WASHINGTON, DC 20001

TEL (212) 763-0883 | FAX (212) 564-0883

WWW.HECKERFINK.COM

DIRECT DIAL 212.763.0889

DIRECT EMAIL shecker@heckerfink.com

July 10, 2024

BY ECF

The Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Federal Defenders of New York, Inc. v. Federal Bureau of Prisons, et al.*, No. 19 Civ. 660 (MKB)

Dear Chief Judge Brodie:

We write on behalf of the Federal Defenders to provide an update pursuant to the Court's order dated June 17, 2024.

Legal Access Guide. Defendants shared an advance copy of the MDC Legal Access Guide with Plaintiff on June 6, 2024, and on June 26, 2024, Plaintiff provided comments and suggestions on the draft. The parties have engaged in mediation over a handful of substantive points, and Defendants are now in the process of making revisions. We look forward to reviewing a revised copy prior to publication.

Remote Access. The parties continue to mediate remote access issues as they arise. In the last month, there have been a significant number of remote legal calls and VTCs that were cancelled with minimal or no explanation. For example, last week multiple clients were never brought to the video room for scheduled VTCs, with no call made to alert the attorney or any effort to reschedule. On more than one occasion in the last month, lawyers were told a call could not occur due to staff shortages. We raise this to highlight the continuation of issues caused by the institution's staffing and other problems, which have repeatedly impeded remote legal access.

There also continue to be technological issues that pose an obstacle to remote legal access. After many months of discussion, MDC has successfully replaced all broken or missing headphones necessary for VTC calls. However, nearly every week there continue to be audibility issues on VTCs where clients do not have headphones. The parties are discussing ways to ensure clients are aware of the availability of headphones and encourage their provision. Finally, the

Hecker Fink LLP

2

phone line in SHU has been out of order for several weeks. We understand that MDC is working on repairs. In the meantime, a limited number of VTCs are available in lieu of legal calls in SHU; unfortunately, these VTCs have suffered from audibility issues.

We will keep the Court apprised if we are unable to timely resolve these issues.

* * *

We thank the Court for its continued attention to these important issues.

Respectfully submitted,



Sean Hecker

cc: Counsel of Record (by ECF)
Hon. Loretta Lynch, Paul, Weiss, Rifkind, Wharton & Garrison LLP (by e-mail)
Roberto Finzi, Paul, Weiss, Rifkind, Wharton & Garrison LLP (by e-mail)
Charlie Figueroa, Paul, Weiss, Rifkind, Wharton & Garrison LLP (by e-mail)